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08/953,002

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/953,002	10/16/97	MCCABE	G

000110  
DANN, DORFMAN, HERRELL & SKILLMAN, P.C.  
1601 MARKET STREET  
SUITE 720  
PHILADELPHIA PA 19103-2307

MM51/0603

EXAMINER

SPYROU, C

ART UNIT

PAPER NUMBER

2837

DATE MAILED:

06/03/98

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 10/16/97

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

Art Unit: 2837

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims recited “an elongated element . . . over which the associated string extends and “the elongated element forming a passageway . . . one of said associated stringed arranged through said passageway. The specification fails to support an elongated element over which the string extends. The specification further fails to support an elongated element over which the string extends and additional through a passageway thereof the string extends. The applicant is directed to Figure 5. The string does not extend over the elongated element. The claim is misdescriptive and should be corrected.

Further, the preamble recites that each of the strings are secured to a tailpiece and then recites a tremolo as a separate and distinct element therefrom. The applicant is directed to Figure 5 which illustrates that the tailpiece is part of the tremolo and further the tailpiece is not a distinct element from the tremolo as claimed. More specifically, the means for raising and adjusting the tension of one of the strings or the means for macro-tuning is the tailpiece. The claim requires interconnection between these elements.

Art Unit: 2837

2. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 15 "a second critical point" is ambiguous; in that, the phrase has been previously recited. Therefore, it is unclear whether the applicant is referring thereto or attempting to recite separate and distinct elements therefrom. It should read "said second critical point". Further, "the associated string" lacks proper antecedent basis. It should read "said one of said strings".

Regarding claim 2, "sid" is a typographical error and should read "said". Further, "one of said associated strings" is ambiguous; in that, "one" string has been previously recited. Therefore, it is unclear whether the applicant is referring thereto or attempting to recite separate and distinct elements therefrom. Further, "said associated strings" lacks proper antecedent basis.

Regarding claims 3 and 5, "one" is ambiguous; in that, "one" string has been previously recited. Therefore, it is unclear whether the applicant is referring thereto or attempting to recite separate and distinct elements therefrom. It should read "said one".

Regarding claim 4, "bolt-like" is indefinite because the claim includes elements not actually disclosed (those encompassed by "-like"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d). Further, the word "means" is preceded by the word "separate" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word preceding

Art Unit: 2837

"means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967). Further, "said surface" and "said lever member" lack antecedent basis.

Regarding claim 5, "each of said means for raising and adjusting" lacks antecedent basis. Only one means for raising and adjusting has been recited.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Gessett, Jr. et al..

Gessett, Jr. et al. discloses a tuning apparatus for a string musical instrument comprising a body, a neck extending from the body and a plurality of strings extending from the body to the neck (col. 2, lines 46-49). A tailpiece secures one end of each of the strings (see Figure 3). A means for forming a first critical point for each string is provided on the neck (col. 2, lines 56-57). A means for forming a second critical point for each string is provided on the body (see Figure 3, @22). The second critical forming means is a tremolo (see Figure 1). The tremolo includes a base plate (15) and a means for raising and adjusting one of the strings to a pitched string

Art Unit: 2837

condition from an untensioned condition (18). The means for raising and adjusting the strings including a bridge element (22) forming the second critical point and an elongated member (35) located on the opposite side of the bridge element from the first critical point and disposed in spaced relation to the bridge element and means for varying the spacing between the first and second critical points for changing the harmonic tuning (col. 3, lines 58-60 and 65-67). The base plate being pivotally mounted about an axis extending transversely of the strings for changing the pitch of all the strings at one time as the plate is pivoted (see Figure 3). The elongated member (35) has a first end closer to the bridge element and a second end more remote from the bridge element as illustrated in Figures 2 and 3. The member forms a passageway extending from the first end toward the second end. One of the strings extending through the passageway to be secured to the means for raising and adjusting the string (see Figure 3) The first end of the elongated member is in spaced relation to the bridge element in and between the two limiting positions. The means for raising and adjusting further includes an elongated displacement means (43) which contacts and pivotally displaces the elongated member (35). The elongated displacement means is a bolt like member adjustably mounted in a separate member (15). The means for varying the spacing between the two critical points secures the means for raising and adjusting to the base plate (25). Regarding claim 6, the means for raising or adjusting as set forth above reads on the macro tuning means.

Serial Number: 08/953,002

Page 6

Art Unit: 2837

*Conclusion*

5. Any inquires regarding this communication should be directed to Cassandra Spyrou at (703) 308-1687.

CCS  
May 28, 1998

  
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2837